

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>NEXUS_BANKRUPTCY BENJAMIN HESTON (297798) 100 Bayview Circle #100 Newport Beach, CA 92660 Tel: 951.290.2827 Fax: 949.288.2054 ben@nexusbk.com</p> <p><input type="checkbox"/> Individual <i>appearing without an attorney</i> <input checked="" type="checkbox"/> Attorney for: <i>Debtor</i></p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION</p>	
<p>In re:</p> <p>LINDA K. MEINBERG,</p> <p style="text-align: right;">Debtor(s)</p>	<p>CASE NO.: 6:22-bk-11532-WJ CHAPTER: 7</p> <p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: (title of motion¹): MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p>

PLEASE TAKE NOTE that the order titled **DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)** was lodged on (date) **12/6/2022** and is attached. This order relates to the motion which is docket number **7**.

¹ Please abbreviate if title cannot fit into text field.

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<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION</div>			
<div>In re:</div> <div>LINDA K. MEINBERG,</div> <div>Debtor(s).</div>		<div>CASE NUMBER: 6:22-bk-11532-WJ</div> <div>CHAPTER: 7</div>	
		<div>ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING DEBTOR’S MOTION TO AVOID LIEN UNDER 11 U.S.C.§ 522(f) (REAL PROPERTY)</div>	
		<div><input type="checkbox"/> No hearing held <input checked="" type="checkbox"/> Hearing held</div> <div>DATE: November 30, 2022 TIME: 10:00 a.m. COURTROOM: 304 ADDRESS: 3420 Twelfth Street Riverside, CA 92501</div>	
<div>Creditor Holding Lien to be Avoided (name): NC Venture I, LP</div>			

The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☒ Notice of this Motion complied with LBR 9013-1(o).
 - a. ☐ There was no opposition and request for hearing.
 - b. ☒ Hearing requested and held as indicated in the caption.

"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code. "FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

3. ☒ Motion granted as set forth in the **Attachment** to this order.
4. ☐ Motion denied on the following grounds: ☐ with prejudice ☐ without prejudice
- a. ☐ Insufficient notice
- b. ☐ Insufficient evidence of the exempt status of the property in question
- c. ☐ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
- d. ☐ Insufficient evidence of fair market value.
- e. ☐ Motion is incomplete.
- f. ☐ Other (*specify*):
5. ☒ The court further orders as follows (*specify*):

The Court makes the following findings of fact and conclusions of law:

- **The fair market value of the Property on April 26, 2022 was \$875,000;**
- **Debtor's homestead exemption pursuant to C.C.P §704.730 and 11 U.S.C. §522 is \$560,000.**

☐ See attached page

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**ATTACHMENT TO MOTION/ORDER
(11 U.S.C. § 522(f): AVOIDANCE OF REAL PROPERTY JUDICIAL LIENS)**

This court makes the following findings of fact and conclusions of law:

1. **Creditor Lienholder/Service:** NC Venture I, LP.

2. **Subject Lien:** Date (*specify*): 1/30/2003 and place (*specify*) of recordation of lien (*specify*): Riverside County Recorder; Recorder's instrument number or document recording number: 2003-071865.

3. **Collateral:** Street address, legal description and/or map/book/page number, including county of recording:

Street address: 15310 Corsica Avenue, Riverside, CA 92506

☒ See attached page.

4. **Secured Claim Amount**

a. Value of Collateral: **\$875,000.00**

b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):

(1) First lien: **(\$106,055.16)**

(2) Second lien: **(\$78,888.54)**

(3) Third lien: (\$_____)

(4) Additional senior liens (*attach list*): (\$_____)

c. Amount of Debtor's exemption(s): **(\$560,000.00)**

d. Subtotal: **(\$744,943.70)**

e. Secured Claim Amount (negative results should be listed as -\$0-): **\$130,056.30**

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid *pro rata* with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

5. **Lien avoidance:** Debtor's request to avoid the Subject Lien is granted as follows. The fixing of the Subject Lien impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(b). The Subject Lien is not a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations). The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

☐ See attached page(s) for more liens/provisions.

**ATTACHMENT
– LEGAL DESCRIPTION –**

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 23, WHICH BEARS SOUTH A DISTANCE OF 1558.8 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 23; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 660 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SECTION 23, A DISTANCE OF 539.7 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 660 FEET TO THE WEST LINE OF SAID SECTION 23; THENCE NORTH, ON THE WEST LINE OF SAID SECTION 23, A DISTANCE OF 539.7 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE SOUTH 396 FEET; ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE, BY DEED RECORDED APRIL 23, 1957 AS INSTRUMENT NO. 29668, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; ALSO EXCEPTING THEREFROM THE WESTERLY 330 FEET OF THE NORTHERLY 143.70 FEET; SAID LAND IS SHOWN AS PARCEL 2 OF PARCEL MAP 8565 OF PARCEL MAPS, AS SHOWN BY MAP ON FILE IN BOOK 54 PAGE(S) 21 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.



Bankruptcy LODGED ORDER UPLOAD FORM

Tuesday, December 06, 2022

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CONFIRMATION :

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- **Office:** Riverside
- **Case Title:** Linda K Meinberg
- **Case Number:** 22-11532
- **Judge Initial:** WJ
- **Case Type:** bk (Bankruptcy)
- **Document Number:** 7
- **On Date:** 12/06/2022 @ 03:46 PM

Please print  this confirmation for future reference.

Thank You!

United States Bankruptcy Court, Central District of California
Edward R. Roybal Federal Building and Courthouse
255 East Temple Street, Los Angeles, CA 90012

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**100 Bayview Circle #100
Newport Beach, CA 92660**

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **12/6/2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
Holly Walker holly@veruslawgroup.com
Robert Whitmore (TR) rswtrustee@yahoo.com, rwhitmore@ecf.axosfs.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On *(date)* **12/6/2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Wayne E. Johnson
3420 Twelfth Street
Suite 384 / Courtroom 304
Riverside, CA 92501

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/6/2022
Date

Benjamin Heston
Printed Name

/s/Benjamin Heston
Signature